

Canada transferring Afghan detainees to “self-confessed torturers”

An interview with Dr. Amir Attaran

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The *World Socialist Web Site* spoke this week with Dr. Amir Attaran, Professor of Law and Population Health at the University of Ottawa.

Dr. Attaran is widely respected for both his work in international law and his contributions to the field of immunology. His writings have been published in *Nature*, *Lancet*, the *Journal of the American Medical Association* and the *Yale International Law Journal*.

Dr. Attaran’s research and public protests were instrumental in forcing Canadian military and government authorities to launch multiple investigations into the possible abuse of detainees by Canadian soldiers in Afghanistan and in bringing public attention to the Canadian Armed Forces’ practice of transferring prisoners to Afghan security forces—who are notorious for their routine abuse and torture of prisoners. (See “Canada’s Afghan intervention—Three probes launched into prisoner abuse”)

Dr. Attaran has made clear that his interest in this matter is primarily to ensure that the treatment of prisoners by the Canadian military be brought under the rule of both international and Canadian law. His interview with the WSWs appears in part below.

WSWS: What led you to take an interest in this matter of the possible abuse of prisoners by Canadian forces in Afghanistan?

Dr. Attaran: I was asked about a year ago by the Law Society of Upper Canada (Ontario) to give a lecture at a symposium they’d planned on torture which was actually held at the University of Ottawa... I sought to come up with something new and topical and my chosen subject was, “what steps is Canada taking to prevent torture in what it is currently engaged in, in Afghanistan?” That was my idea. Well it quickly ran out of control.

I began to, with the intention of good faith, to ask DND (the Department of National Defence) what were they doing to forestall, to prevent torture occurring and I very quickly realized they were doing not anything like enough, and that their measures were pretty weak, pretty unsatisfactory. The key complaint—I’m sure you know about it already—is that all the detainees we arrest in Afghanistan, we hand to the Afghans. The punch line is that the Afghan National Police (ANP) especially, but also other aspects of the Afghan national security apparatus, are torturers.

There is no doubt about it. It has been studied and affirmed by the United Nations Human Rights Committee, by the US State Department, and most damningly the Afghan Human Rights Commission, which is itself, a branch of the Afghan government. The Afghan government in effect, through the Human Rights Commission last year, published that the Afghan National Police—this is nearly a verbatim quote but I’m doing it of course from memory—the ANP routinely torture persons in their custody, particularly to extort confessions. Now that’s the Afghan government talking about the Afghan police, so what it amounts to is that when we transfer from Canadian forces to the Afghan police, we’re transferring to self-confessed torturers. It’s as simple as that. I don’t need to say much beyond what I’ve just said... it’s obviously unacceptable.

WSWS: What steps did you then take to look into the situation last April with these three prisoners?

Dr. Attaran: Well that was an entirely accidental finding, parenthetical to the research I’ve just described... I really had no other desire than to learn more about how come we are transferring to the Afghans in this way. What has been the extent of that?

How many people have we transferred? Who are they? Do they have any legal rights? For instance, are they offered a lawyer?

Here you are, you're being held by the Canadians, the Canadians are imminently to hand you to self confessed torturers. Question: Could you say "actually, I'd like to talk to a lawyer about that" and get an affirmative answer from the Canadian government? It's a rather interesting question I think.

So I was involved in that kind of research and for that reason requested a rather diverse number and type of documents under the (federal) Access to Information Act. It was in the course of those queries that I learned about the incident last April.

WSWS: What was the initial response to those inquiries?

Dr. Attaran: The very initial response, when I was prepping my law society lecture, was- "you're not entitled to know anything". Initially I even asked for a copy of the agreement that Canada had signed with Afghanistan—you know, can I see the agreement, I'm a lawyer—and I was told it's not public, I couldn't have it. Now I did persist and said, "Excuse me, that agreement would be a treaty. It's an agreement signed between two countries, ie., a treaty. Are you telling me Canada's getting involved in secret treaties?" And I was told, "No, no—its not a treaty." And I said, "Well as a law professor, I assure you, it is a treaty. I know what a treaty is, and this is a treaty, and it's apparently secret." And then all sorts of games were played defining it as "an arrangement" rather than a treaty, which is nonsense. I mean they can call it potato salad if they like; it doesn't change into anything other than a treaty.

So initially, there was no disclosure. The document finally only became public because it was leaked. And within days of it leaking, all of a sudden DND put it on its website... And I'm sure it was total coincidence that DND put it on its website the same day the *Globe (and Mail)* published.

Let me leave you with a few things you ought to ask DND about. Ask them if the names of Canada's detainees are public. Ask them if the number, just the number, is public. Ask them if it is public where those detainees currently are. Ask them if it is known where those detainees are, even if it can't be made public. The answers to these questions will be "No".

WSWS: These are pretty ominous developments given what is taking place internationally and what has just happened with the case of Maher Arar. (See "Maher Arar's ordeal, the Harper government and the assault on democratic rights")

Dr. Attaran: You're exactly right. It is essentially such that the persons Canada is detaining and transferring are disappearing into an unknown juridical space where they have no legal representation; where Canada does not inspect or have knowledge of the safety, or lack of safety of their condition; and where the leading countries that might conduct—Afghanistan and the US—practice known torture, known extraordinary rendition, and essentially extra-judicial custody, extra-judicial detention which may or may not—and I can't establish this with certainty—be allied to extra-judicial disappearance.

WSWS: Are you surprised that those who have stated political opposition to the (Canadian) action in Afghanistan, such as the NDP, have not taken up this issue?

Dr. Attaran: They have asked questions in the House (of Parliament). The NDP have issued written questions to the minister that were mostly answered with—I won't even say negative answers—null answers would be more like it.



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